

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

REC'D 23 DEC 2005

PCT

## (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 24309WO	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. PCT/NL2004/000589	International filing date (day/month/year) 20.08.2004	Priority date (day/month/year) 20.08.2003	
International Patent Classification (IPC) or national classification and IPC C09D175/16, C08F290/06, C03C25/10			
Applicant DSM IP ASSETS B.V. et al.			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>

Date of submission of the demand 20.06.2005	Date of completion of this report 23.12.2005
Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Bourgonje, A Telephone No. +31 70 340-3278



# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/NL2004/000589

## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

### Description, Pages

1-28 as originally filed

### Claims, Numbers

1-16 received on 21.06.2005 with letter of 20.06.2005

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3.  The amendments have resulted in the cancellation of:
    - the description, pages
    - the claims, Nos.
    - the drawings, sheets/figs
    - the sequence listing (*specify*):
    - any table(s) related to sequence listing (*specify*):
  4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
    - the description, pages
    - the claims, Nos.
    - the drawings, sheets/figs
    - the sequence listing (*specify*):
    - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/NL2004/000589

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**Re item V.**

**1** The following document is referred to in this communication:

D1: US 2003/139487 A1 (MONTGOMERY ET AL) 24 July 2003 (2003-07-24)

**2 Novelty**

2.1 None of the prior art documents disclose a radiation curable liquid resin composition comprising : A) 20-90% urethane (meth)acrylate oligomer and B) 1-35% of a monomer according to formula (1) in claim of the application. The present claims therefore appear to be novel and fulfil the requirements of Article 33 (2) PCT, because the subject matter of these claims is not disclosed in the prior art.

**3 Inventive Step**

3.1 The closest prior art is considered to be D1. The difference in technical features between the closest prior art and the present invention is that in D1 no monomer according to formula (1) of claim 1 is being used.

In the present invention there are no comparative examples that could show the technical effect of this difference in technical features. Because there are no suitable comparative examples it is not clear what their effect would be and the objective problem to be solved would be to find alternative monomers to be radiation cured with the urethane (meth)acrylates. The solution proposed in claims 1-16 appears to involve an inventive step because it is not suggested nor disclosed in the prior art. Therefore the subject matter of claims 1-16 appears to be inventive according to Article 33 (3) PCT.